

TWELFTH DAY

(Thursday, January 26, 1939)

The House met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hankamer
Allen	Hardeman
Allison	Hardin
Alsup	Harp
Anderson	Harper
Bailey	Harrell of Bastrop
Baker	Harrell of Lamar
of Fort Bend	Harris
Baker of Grayson	Hartzog
Bond	Heflin
Boyd	Holland
Boyer	Howard
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Keith
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Cauthorn	Kinard
Celaya	King
Chambers	Langdon
Clark	Lehman
Cleveland	Leonard
Cockrell	Leyendecker
Coleman	Little
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Olsen
Fuchs	Pace
Galbreath	Petsch
Gilmer	Pevehouse
Goodman	Piner
Gordon, Mrs.	Pope
Hale	Ragsdale
Hamilton	

Reader of Bexar	Stoll
Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vint
Russell	Voigt
Schuenemann	Waggoner
Segrist	Weldon
Shell	Wells
Skiles	Westbrook
Smith of Frio	White
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright

Absent—Excused

Bell	Dowell
Blankenship	Vale

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, it is with knowledge of our own weakness that we come into Thy presence just now. It is written that 'except the Lord build the house they labor in vain that build it.' Wilt Thou grant to us foresight and power to meet the responsibilities and duties of today. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Vale for today, and the balance of the week on motion of Mr. Worley.

Mr. Bell for today, on motion of Mr. Thornberry.

Mr. Blankenship for today, on motion of Mr. Leonard.

The following Member was granted leave of absence on account of illness:

Mr. Dowell for today, on motion of Mr. Mohrmann.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Broadfoot and Mr. Allison:

H. B. No. 278, A bill to be entitled "An Act creating Ports of Entry

under the jurisdiction and administration of the Railroad Commission of Texas; authorizing the Railroad Commission of Texas to make all needful rules and regulations for the enforcement of the Act; to appoint a Director of the Ports of Entry, fixing the term of office of said Director and the salary to be paid; authorizing the Director to appoint a Chief Inspector and Assistant Inspectors and fixing the compensation of each; requiring the State Highway Commission to furnish license plates to such Director and authorizing the Chief Inspector and his assistants to collect fees and highway licenses; giving said inspector and his assistants authority to arrest and detain persons violating provisions of the Act, and requiring such inspectors and his assistants to execute such surety bond as the Commission may provide; requiring all Motor Carriers to enter the State on highways designed as Ports of Entry and submit to inspection and to make out and deliver to such inspectors cards showing the name of the owner of the vehicle, the name of the operator, and such other information as may be required and to verify such information by affidavit; authorizing inspection of the contents of such vehicles at Ports of Entry and the determination as to whether all taxes on gasoline and other fuel and excise taxes and alcoholic liquor taxes and cigarette taxes have been paid; providing for the exemption of certain vehicles from the provisions of the law under certain conditions; authorizing the issuance of clearance certificates; providing for the levying and assessment against motor vehicles mileage taxes; providing for the payment of all monies collected into the State Treasury into 'Port of Entry Fund' and for the use of such fund; providing for a temporary appropriation for the administration of the law; providing for appointment of such additional employees as may be prescribed by the Railroad Commission of Texas; authorizing the Railroad Commission to enter into cooperative agreements with authorities of adjoining states for the use of said Ports of Entry facilities and administration of the law; defining the terms used in the law; providing pen-

alties for violation thereof, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Cornett, Mr. Kinard, Mr. Alsop, Mr. Reader of Erath, Mr. Bradbury, Mr. Baker of Grayson, Mr. Kennedy, Mr. King, Mr. Smith of Hopkins, Mr. Wells, Mr. White, Mr. Ferguson, Mr. Talbert, Mr. Harrell of Bastrop, Mr. Newell, Mr. Rhodes, Mr. Holland, Mr. Burkett, Mr. Kerr, Mr. Weldon, Mr. Spencer, Mr. McFarland, Mr. Kern, Mr. Ragsdale, Mr. Kersey, Mr. Burney, Mr. Cockrell, Mr. Piner, Mr. Lehman, Mr. Wood, Mr. Riviere, Mr. Hardin, Mr. Lock, Mr. Faulkner, Mr. Thornton, Mr. Robinson, Mr. Turner, Mr. Taylor, Mr. Clark, Mr. Hartzog, Mr. Harris, Mr. Chambers, Mr. Roach, Mr. Fielden, Mr. Montgomery, Mr. Reed, Mr. Waggoner, Mr. McNamara, Mr. Segrist, Mr. Bell, Mr. Harp, Mr. McMurry, Mr. Crossley, Mr. Olsen, Mr. Galbreath, Mr. Davis of Jasper, Mr. McDaniel, Mr. Russell, Mr. Roberts, Mr. Coleman, Mr. Harper, Mr. Howington, Mr. Johnson of Tarrant, Mr. Bridgers, Mr. Smith of Frio, Mr. Boyer, Mr. Tennant, Mr. Johnson of Ellis and Mr. Harrell of Lamar:

H. B. No. 279, A bill to be entitled "An Act authorizing and requiring the Board of Regents or the governing body of each State Institution of Higher Learning of the State of Texas to establish and maintain at each Institution the control of such board, a bookstore; providing for the purpose of necessary text books; providing for charges of text book fees, the manner of operation of such stores, and providing that such board adopt such rules and regulations that may be necessary in connection with the operation of such stores; providing for a text book fund from fees collected; providing for an audit and report; providing for manner of disbursement of text book fund; providing for transfer of assets of any college bookstore selling books in conjunction with State Institutions of Higher Learning; providing no student shall be required to pay the text fee and providing for changes in text books, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Anderson:

H. B. No. 280, A bill to be entitled "An Act amending Article 7098, Title 122, Chapter 4 of the Revised Civil Statutes of the State of Texas, 1925 edition; and Article 7100, Title 122, Chapter 4 of the Revised Civil Statutes of the State of Texas, 1925, naming the persons who shall hereafter constitute the State Tax Board, providing for a Secretary and compensation for such Secretary, defining his qualifications and setting out his duties, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Little:

H. B. No. 281, A bill to be entitled "An Act creating a Special Road Law for Potter County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$42,000.00 outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Little:

H. B. No. 282, A bill to be entitled "An Act to create a more efficient Road Law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said county, excepting from the validating provisions of this Act any in-

debtedness in litigation, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Johnson of Tarrant:

H. B. No. 283, A bill to be entitled "An Act to regulate brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Ferguson:

H. B. No. 284, A bill to be entitled "An Act providing that all bonds for road construction purposes which have been heretofore issued and sold by counties with a population of not less than thirty-two thousand and four hundred and not more than thirty-two thousand and eight hundred people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Cleveland:

H. B. No. 285, A bill to be entitled "An Act making an emergency appropriation for the construction of steam lines, including tunnels, pipes, fittings, enlargement of heating units,

and to make improvements on grounds for the Southwest Texas State Teachers College at San Marcos, Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Brown of Cherokee and Mr. Alsop:

H. B. No. 286, A bill to be entitled "An Act providing for the standardization of potatoes, tomatoes and other vegetables by means of the compulsory inspection, grading, classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for vegetables and authorizing the Commissioner to adopt other, different and additional standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors and employees from engaging in the business of buying and/or selling vegetables; providing for inspection and certification of shipments of vegetables in and/or from the State of Texas; defining the terms 'inspectors and/or agents and/or employees' of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of vegetables; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of vegetables and/or by virtue of cooperative agreement between the Commissioner and the United States Department of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; making notice to the Commissioner by packers and/or shippers of vegetables and their intention to ship mandatory; providing that certificates issued under and by virtue of this Act shall be prima facie evidence of the truth of their contents in all Courts of the State of Texas; authorizing the Commissioner to prescribe containers for use in the ship-

ment of vegetables and regulating the re-use of such containers; defining 'deceptive pack' and providing that 'deceptive pack' shall be unlawful; making certain exclusions; providing for the proper marking of packages, parcels and containers of vegetables shipped in and/or from the State of Texas; providing that the application of the provisions of this Act shall be optional to counties within this State and providing for the exercise of such option; providing for the suspension of this Act in counties wherein adopted and the procedure therefor; providing penalties for violations of this Act; making this Act cumulative of all laws now on the statutes of the State of Texas; repealing all statutes or parts of statutes directly in conflict herewith, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Dwyer, Mr. Thornton, Mr. Reader of Bexar, Mr. Winfree, Mr. Hankamer, Mr. Vale, Mr. Bridgers, Mr. Leyendecker, Mr. Schuenemann and Mr. Derden:

H. B. No. 287, A bill to be entitled "An Act levying additional taxes upon the sale of alcoholic beverages in this State; levying a gross proceeds tax of ten (10%) per cent upon sales of liquor under a Dispenser's Permit; providing the manner of the collection of said tax; fixing penalties for failure to pay the State the taxes due thereon; defining the powers and duties of the Texas Liquor Control Board with respect to the collection of said tax; authorizing the issuance of a Dispenser's Permit for the sale of diluted distilled spirits; fixing the qualifications of persons entitled to hold such permits; authorizing the Texas Liquor Control Board or the Administrator to cancel or suspend the same for violations; fixing the fees for such permits; providing for local option elections to legalize or prohibit the issuance of such permits; allocating fees and revenues derived from said permits to the Old Age Assistance Fund; excepting the holders of Dispenser's Permits from the prohibitions contained in Section 3 (a) of Article I of the Texas Liquor Control Act; amending the Texas Liquor Control Act by adding thereto a new Section, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Isaacks, Mr. Kerr, Mr. Taylor, Mr. Nicholson, Mr. Shell, Mr. Harper, Mr. Montgomery, Mr. Lehman, Mr. Harp, Mr. Tarwater, Mr. Allen, Mr. Tennant, Mr. Reader of Erath, Mr. Reader of Bexar, Mr. Loggins, Mr. Daniel, Mr. Johnson of Ellis, Mr. Bundy, Mr. Celaya, Mr. Anderson, Mr. Cornett, Mr. Boyd, Mr. Piner, Mr. Burney, Mr. Cockrell, Mr. Turner, Mr. Crossley, Mr. Galbreath, Mr. Johnson of Tarrant, Mr. Harrell of Bastrop, Mrs. Gordon, Mr. Faulkner, Mr. Blankenship, Mr. Russell, Mr. Harrell of Lamar, Mr. Spencer, Mr. Mays, Mr. Weldon, Mr. Smith of Hopkins, Mr. Bray, Mr. Baker of Grayson, Mr. Dwyer, Mr. Corry, Mr. Bridgers, Mr. Kersey, Mr. Rhodes, Mr. Segrist, Mr. Ferguson, Mr. Talbert, Mr. Broadfoot, Mr. White, Mr. Wells, Mr. Lock, Mr. Dean, Mr. Coleman, Mr. Fielden, Mr. Brown of Nacogdoches, Mr. McDaniel, Mr. Harris, Mr. Kern, Mr. Winfree, Mr. Hartzog, Mr. Ragsdale, Mr. Vale, Mr. Hardin, Mr. Colquitt, Mr. Derden, Mr. Morris, Mr. Holland, Mr. McFarland, Mr. Kennedy, Mr. Alsup, Mr. Bradbury, Mr. Heflin and Mr. Pope:

H. B. No. 288, A bill to be entitled "An Act amending Article 307, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 201 of the Regular Session of the Forty-fourth Legislature, page 438, Chapter 176 (1935), exempting graduates of certain law schools from the bar examinations, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Hardin:

H. B. No. 289, A bill to be entitled "An Act providing that Rural United States Post Roads be defined; providing for a new division to be known and designated as United States Rural Post Roads Division of the State Highway Department of Texas; providing for the functions of said Division; providing for a Director of said Division; providing for receiving funds available for said Division from the United States from the several counties of the State of Texas and from the municipalities of the State and from any other source to be used in construction and maintenance of United States Rural Post Roads and bridges thereon, located in said State; providing for construction and main-

tenance of farm to market roads; providing for method of receiving and disbursing such funds; providing for the creation of a system of United States Rural Post Roads in the State of Texas; providing the method of determining the amount of United States Rural Post Roads in each county of this State; providing for the distribution of the funds of this division accordingly; empowering the State Highway Department in conjunction with the Federal Government, county, or municipal authorities to make changes, surveys, location and re-location of United States Rural Post Roads; empowering the State Highway Department of Texas to enter into contracts with the United States Government, its agencies, and with proper county authorities and municipal authorities to likewise contract, to fix the duties of procuring right-of-ways for such roads on the proper county authorities; authorizing the State Highway Department to waive provisions of this Act when conflicting with rules and regulations of the Federal Bureau of Roads or other Federal agencies; empowering the State Highway Department to make reasonable rules and regulations; providing a saving clause, and providing for the repeal of laws or parts of laws in conflict herewith.

Referred to the Committee on Highways and Motor Traffic.

By Mr. Smith of Matagorda:

H. B. No. 290, A bill to be entitled "An Act providing for the construction, maintenance and operation of hospitals in counties having a population of not less than seventeen thousand (17,000) and not more than eighteen thousand (18,000) according to the United States Census of 1930; providing for the levying of a direct tax of not more than Ten (10) Cents on the valuation of One Hundred (\$100.00) Dollars, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospitals; authorizing and empowering the Commissioners' Court to lease any county hospital to be operated by the lessee under such terms and conditions as may be satisfactory to the Commissioners' Court and the lessee, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Smith of Matagorda:

H. B. No. 291, A bill to be entitled "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use as a Texas State Park."

Referred to the Committee on Public Lands and Buildings.

By Mr. Loggins:

H. B. No. 292, A bill to be entitled "An Act providing a method of issuing and registering for payment public school warrants drawn on the local maintenance funds; providing for the payment of such warrants in the order of registration; for such warrants to draw six (6%) per cent interest from date of presentation for payment if not paid; prohibiting the purchase or offer to purchase of such warrants at a discount and providing a penalty; providing that obligations incurred prior to the effective date of this Act are not precluded; providing a saving clause, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Roach:

H. B. No. 293, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this law shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Wells, Mr. Dickison, Mr. Bradbury, Mr. Cornett, Mrs. Gordon,

Mr. Skiles, Mr. Kern, Mr. White, Mr. Harp and Mr. Harrell of Lamar:

H. B. No. 294, A bill to be entitled "An Act authorizing the Boards of School Trustees of independent school districts and County Boards of School Trustees to employ visiting teachers and school psychologists, setting forth qualifications of visiting teachers and school psychologists, prescribing their duties, defining their status, and prescribing how they should be paid; providing a saving clause, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Roach:

H. B. No. 295, A bill to be entitled "An Act amending Article 619, Penal Code of the Revised Civil Statutes of Texas, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Cleveland and Mr. Tarwater:

H. B. No. 296, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the seed certification program, providing penalties, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Oliver:

H. B. No. 297, A bill to be entitled "An Act granting and donating to Shelby County all the State ad valorem taxes levied and collected for State general revenue purposes upon the County, including ad valorem taxes on rolling stock belonging to railroad companies for a period of two (2) years beginning with the taxable year 1939; for the use of said County for the purposes of constructing improvements therein to provide flood control, drainage, and road building, and further providing that

said taxes shall be levied, assessed and collected in the manner now provided by law and that the Assessor of the County shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of the County all moneys collected by him at the end of each month except such amounts as may be allowed by law for collecting and assessing said taxes; and requiring said Assessor and Collector to forward a duplicate copy of the receipts given him by the County Treasurer to the State Comptroller; defining the purposes and intention of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Little:

H. B. No. 298, A bill to be entitled "An Act prescribing the maximum amount that may be allowed by County Boards of Trustees to the County Superintendent of Public Instruction for expenditures for office and/or traveling expenses to counties with a population of not less than seven thousand fifty (7,050) and not more than seven thousand one hundred (7,100) inhabitants, according to the last Federal Census, in each instance; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Newell:

H. B. No. 299, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkey in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Oliver:

H. B. No. 300, A bill to be entitled "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all con-

flicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Oliver:

H. B. No. 301, A bill to be entitled "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Ferguson:

H. B. No. 302, A bill to be entitled "An Act amending Title 71 of the Revised Civil Statutes of 1925, by the addition thereto of an additional Chapter, to be designated Chapter 14, 'State Plumbing Law'; providing the intent and purpose of law to safeguard public health and safety through the regulation of the construction, erection, installation, alteration, removal, repair and maintenance of all piping, fitting and fixtures for conducting, distribution and/or use or disposal of any water sewage or gas in certain location; defining plumbing; defining gas fitting; exceptions; defining master plumber, journeyman plumber, plumbers' apprentice; defining fundamental requirements for plumbing; defining fundamental requirements for house piping; providing for special precautions to protect public safety; defining powers of State Board of Health, to promulgate detailed requirements to enforce fundamental requirements of this Act; providing for employment of supervisors for purpose of enforcing law, providing Board shall prescribe rules as to qualifications of plumbers; providing gas fitter shall not work as plumber; providing for Committee of Examiners, qualifications, duties, secretary; providing Committee may name Chairman; providing for compensation of members of Committee of Examiners; providing secretary to receive and pay out money; providing for 'State Plumbing Fund' and appropriating fees thereto; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Shell:

H. B. No. 303, A bill to be entitled "An Act authorizing the Commis-

sioners' Court in any county having a population of not more than seven thousand seven hundred (7,700) and not less than seven thousand six hundred eighty (7,680) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Smith of Hopkins:

H. B. No. 304, A bill to be entitled "An Act to provide for the collection of a fee from insurance companies writing workman's compensation; making exemption as to claims liable under this Act; creating a fund known as Employee's Rehabilitation Fund and appropriating the same to the Vocational Rehabilitation Division of the State Department of Education, for the purpose of rehabilitating and buying artificial arms, legs and other appliances; providing for the administration; repealing laws in conflict with; providing insurance companies keep records, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Brown of Cherokee:

H. B. No. 305, A bill to be entitled "An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts, Second Called Session, 1909, page 432."

Referred to the Committee on Education.

By Mr. Brown of Cherokee:

H. B. No. 306, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended, Acts, 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, Section 1."

Referred to the Committee on Education.

By Mr. Thornberry, Mr. Bell, Mr. Boyd and Mr. Langdon:

H. B. No. 307, A bill to be entitled "An Act relating to the regulation of the business of lending money without security to individuals; providing that any person, firm or corporation, either as principal or as agent or representative of another,

before establishing, maintaining or operating such business of lending money without security shall annually file an application for registration for each such business with the County Clerk of the county in which such business is to be established, maintained or operated, that such registration shall include among other things the full name and address of the applicant for registration and designation of an agent for service in said county, for written notice of any change of address or agent, and for the payment of certain fees; providing further for the filing of a bond with said County Clerk to be approved by the County Judge in which applicant shall be the obligor, with a surety company as surety, said bond to run to the State of Texas for the use of the State and of any person or persons who may have a cause of action against obligor of said bond under the provisions of this Act and for the recovery of damages for the charging of usurious rates of interest prohibited by law, and requiring additional bond when the original bond shall appear to be insecure or exhaustive; providing further that a complete set of records shall be kept, subject to the inspection of the County or District Attorney, and that a complete statement of the transaction shall be furnished the borrower; prohibiting any person, firm or corporation, either as principal or as agent or representative of another, subject to the provisions of this Act, from charging rate of interest in excess of twenty-five (25%) per cent per annum; prescribing a penalty for violation of this Act; providing for certain exemptions under this Act; providing that this Act shall in no way affect or repeal present laws defining usurious rates of interest and remedies for the recovery thereon; providing that in event any clause, sentence or provision contained herein shall be invalid, the remaining part, nevertheless, shall be in full force and effect, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Bradbury, Mr. Anderson and Mr. Dickison:

H. B. No. 308, A bill to be entitled "An Act declaring the policy of the State in regard to the extension and

development of free public library service in all parts of the State; providing for a Texas Library and Historical Commission of six (6) members; creating a Division of Public Libraries in the Texas State Library; stating the purpose, powers, and duties of the Commission, the State Librarian and Division Directors, and requiring annual reports including a survey of public library facilities in the State; providing for the administration of State aid to free public libraries; providing for a State Board of Library Examiners for the certification of public librarians; revising the county library laws and providing for combined county and school libraries; amending Articles 5434, 5435, 5436, 5441, 5445, 5446, 1678, 1679, 1686, 1687, and 1694 of the Revised Civil Statutes of 1925; repealing Article 1682; amending Title 89 of the Revised Civil Statutes of 1925 by adding thereto new sections to be known as Articles 5446a and 5446b, and amending Title 35 by adding thereto a new section to be known as Article 1694a, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Bradbury and Mr. Anderson:

H. B. No. 309, A bill to be entitled "An Act making appropriations for State Aid to the free public libraries of this State, and for the salaries and other expense of the Division of Public Libraries of the Texas State Library, for the years beginning September 1, 1939, and ending August 31, 1941, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Harrell of Lamar and Mr. Turner:

H. B. No. 310, A bill to be entitled "An Act amending Senate Bill No. 170, Chapter 253, Acts of the Forty-second Legislature, Regular Session, pages 420-421, being Article 6203e of the Revised Civil Statutes of the State of Texas, providing for the establishment of the State Prison Psychopathic Hospital as a part of the Prison System of the State of Texas, and providing who may be committed thereto, and providing for the commitment to said institution of certain dangerous insane patients in the State

Hospitals, providing a saving clause, and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Keith:

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office, and declaring an emergency."

Referred to the Committee on Appropriations.

MOTION TO RE-REFER HOUSE BILL NO. 247

Mr. Bradbury moved that House Bill No. 247 be withdrawn from the Committee on State Affairs and referred to the Committee on Agriculture.

Mr. Ragsdale moved to table the motion of Mr. Bradbury.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—75

Allen	Hartzog
Anderson	Heflin
Baker	Howard
of Fort Bend	Hull
Bond	Hunt
Bradford	Isaacks
Bray	Johnson of Ellis
Bundy	Johnson of Tarrant
Burney	Kerr
Cauthorn	Kinard
Celaya	Lehman
Cockrell	Leyendecker
Coleman	Little
Colquitt	Loggins
Colson, Mrs.	Mays
Davis of Jasper	McAlister
Dean	McDaniel
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Dwyer	Montgomery
Faulkner	Nicholson
Felty	Pevehouse
Fielden	Pope
Galbreath	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reed
Hamilton	Riviere
Hankamer	Roberts
Hardeman	Schuenemann
Hardin	Segrist
Harper	Shell

Stinson	Waggoner
Taylor	Wilson
Thornton	Winfree
Vint	Wood
Voigt	Wright

Nays—60

Alsup	Langdon
Bailey	Lock
Baker of Grayson	London
Boyd	McDonald
Boyer	McMurry
Bradbury	Morris
Broadfoot	Newell
Brown of Cherokee	Oliver
Brown	Olsen
of Nacogdoches	Pace
Burkett	Petsch
Clark	Reaves
Cleveland	Rhodes
Cornett	Roach
Corry	Robinson
Crossley	Russell
Daniel	Skiles
Davis of Upshur	Smith of Frio
Derden	Smith of Hopkins
Ferguson	Smith
Hale	of Matagorda
Harp	Spencer
Harrell of Bastrop	Talbert
Harrell of Lamar	Tennant
Harris	Thornberry
Holland	Turner
Howington	Weldon
Keith	Wells
Kennedy	Westbrook
Kern	White
Kersey	Worley

Absent

Allison	Leonard
Bridgers	McFarland
Chambers	Piner
Fuchs	Stoll
King	Tarwater

Absent—Excused

Bell	Dowell
Blankenship	Vale

MOTION TO RE-REFER HOUSE
BILL NO. 92

Mr. Keith moved that House Bill No. 92 be withdrawn from the Committee on State Affairs and referred to the Committee on Education.

Mr. Hull moved to table the motion of Mr. Keith.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Allen	Leyendecker
Anderson	Loggins
Bailey	Mays
Boyer	McAlister
Bradford	McDaniel
Bundy	McMurry
Burney	McNamara
Cauthorn	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Nicholson
Colson, Mrs.	Oliver
Corry	Olsen
Daniel	Pace
Davis of Jasper	Pevehouse
Dickison	Pope
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Dwyer	Reed
Faulkner	Riviere
Galbreath	Roberts
Gilmer	Robinson
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hamilton	Shell
Hankamer	Smith of Frio
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Lamar	Stinson
Harris	Talbert
Hartzog	Taylor
Heflin	Tennant
Howington	Thornton
Hull	Vint
Isaacks	Voigt
Johnson of Ellis	Weldon
Johnson of Tarrant	Westbrook
Kern	Wilson
Kerr	Winfree

Nays—52

Baker	Derden
of Fort Bend	Felty
Baker of Grayson	Ferguson
Bond	Fielden
Boyd	Hale
Bradbury	Hardeman
Bray	Harrell of Bastrop
Broadfoot	Holland
Brown of Cherokee	Hunt
Brown	Keith
of Nacogdoches	Kennedy
Burkett	Kersey
Chambers	Kinard
Clark	Langdon
Colquitt	Lehman
Cornett	Lock
Crossley	London
Davis of Upshur	McDonald

McFarland	Smith of Hopkins
Morris	Thornberry
Newell	Turner
Petsch	Waggoner
Reaves	Wells
Rhodes	White
Roach	Wood
Russell	Worley
Skiles	Wright

Absent

Allison	King
Alsup	Leonard
Bridgers	Little
Celaya	Piner
Dean	Ragsdale
Fuchs	Stoll
Howard	Tarwater

Absent—Excused

Blankenship	Dowell
Bell	Vale

RELATIVE TO HOUSE BILL
NO. 209

Mr. Davis of Jasper asks unanimous consent of the House to amend the caption of House Bill No. 209 to conform to the changes and with the body of the bill and to add the word, "partly," before the words, "situated in three counties."

There was no objection offered and it was so ordered.

ADDITIONAL SIGNER OF HOUSE
BILL NO. 23

By unanimous consent of the House, Mr. Kersey was authorized to sign House Bill No. 23, as co-author of same.

PROVIDING FOR CERTAIN AD-
JOURNMENT PERIOD

Mr. Colquitt offered the following resolution:

H. C. R. No. 24, Providing for certain adjournment period.

Be It Resolved by the House of Representatives, the Senate concurring, That each House grant to the other permission to adjourn from Thursday, January 26, 1939, to Monday, January 30, 1939.

The resolution was read second time, and was adopted.

TO AUTHORIZE CERTAIN FOOD
CONCESSION

Mr. Shell offered the following resolution:

H. C. R. No. 25, To authorize certain concession in Capitol building.

Whereas, The Seventy-fourth Congress of the United States passed House Resolution No. 4688 authorizing the operation of vending stands by blind people in all Federal buildings for the twofold purpose of increasing efficiency among government employees and as aid in the rehabilitation of the blind; and

Whereas, Such a vending stand in the Texas State Capitol Building would further this purpose; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the operation of a vending stand in the State Capitol Building is hereby authorized, and the Chairman of the Board of Control, the Executive Secretary of the Commission for the Blind, and the Director of Vocational Rehabilitation of the State Department of Education are hereby designated as the Committee on Concessions with the authority and duty to select a suitable location for said vending stand in either the east or west wing on the street floor of the Capitol Building, and to select a suitable blind person to operate such a vending stand under the supervision of said Committee on Concessions; conditioned, however, that the blind person so selected shall install modern equipment and maintain said stand in a sanitary condition at all times, retain on duty a person with sight to insure proper sanitation and operation thereof.

The resolution was read second time.

Mr. Colquitt raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Derden moved that the Rule, relative to the time allotted for the consideration of resolutions, be suspended, until the above resolution is disposed of.

The motion prevailed.

On motion of Mr. Wood, the resolution was referred to the Committee on Public Lands and Buildings.

CONCERNING THE CALLING OF A CONSTITUTIONAL CONVENTION

The Speaker laid before the House, as unfinished business, House Concurrent Resolution No. 22, by Mr. Turner, to provide for the calling of a Constitutional Convention.

The resolution having been read second time on yesterday.

Mr. Alsop submitted the following points of order:

Mr. Speaker: I wish to make the point of order that House Concurrent Resolution No. 22 is in violation of Article 8, Section 6, of the Constitution of the State of Texas.

I make the further point of order against House Concurrent Resolution No. 22 that it seeks to force the State Treasurer to issue warrants or money without first being authorized by an Act of the Legislature.

I raise the further point of order that Section 1 of House Concurrent Resolution No. 22 seeks to authorize expenditure of county funds, and such authorization cannot be done by resolution.

Mr. Alsop moved that the resolution be referred to the Committee on Constitutional Amendments.

The motion prevailed.

NAMING R. TEMPLE DICKSON, III, MASCOT OF THE HOUSE

Mr. Pevehouse offered the following resolution:

H. S. R. No. 90-A, Naming R. Temple Dickson, III Mascot of the House.

Whereas, We have with us a proper person for office of Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That R. Temple Dickson, III, son of Hon. R. Temple Dickson of Sweetwater, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed in the official group of said body.

The resolution was read second time, and was adopted.

REMARKS BY HON. R. E. MORSE, SPEAKER

In accordance with the motion of Mr. Keith, adopted unanimously Wednesday, January 25th, the following remarks of Speaker Morse are reduced to writing and printed in the Journal:

"Members of the House, your attention is called to that portion of Section 6, Rule 29, of the House Rules, which reads as follows: 'And it is further provided that no motion shall be in order to invite any person to address this House while it is in session, except those entitled to the privileges of the floor as defined by Section 1 of this Rule, and except when no business is pending before the House.' Your attention is further directed to Section 4 of the same Rule, which reads: 'It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule, or to present from the Chair the request of any Member for unanimous consent.' These provisions are called to your attention at this time in order to avoid the necessity of calling such attention at a time when so doing might be interpreted as a reflection upon some person, or persons, definitely named by resolution and in order that the House might avoid the practice of interrupting its business sessions to listen to distinguished visitors, which practice in the past has resulted in the calendar at subsequent times becoming so crowded so as to prevent action upon important measures.

"The Chair announces the policy of deeming a Member's suspension right exhausted when a bill not before the House is laid on the table subject to call.

"The Chair further announces that no recognition will be given to any precedent heretofore set in the appointment of investigating committees where said precedent called for the appointment to such investigating committees of the Member, or Members, sponsoring resolutions to investigate. Neither will the Chair be inclined to favor, in the appointment of such committees, those seeking such appointment."

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due

notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 47, "An Act validating the creation of and certain proceedings, notices and orders relative to the creation of and issuance of bonds by Harris County Drainage District No. 14, and declaring an emergency."

ADJOURNMENT

On motion of Mr. Colquitt, the House, at 12:00 o'clock m., adjourned until 11:00 o'clock a. m., next Monday, January 30th.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Game and Fisheries: House Bills No's. 30 and 43.

School Districts: House Bill No. 271.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, January 25, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 157, A bill to be entitled "An Act creating and establishing Jackson County Road District No. 10 in Jackson County, Texas, under Article II, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that

in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the District hereby created are also included in other Road Districts having outstanding bonds shall not effect the District hereby created or its powers hereby granted; and providing that liability of territory included in this District and other Road Districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article II, Section 52; determining that all of the lands in said District will be benefitted by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Law; providing that if any provision hereof is held to be invalid, such holding shall not affect the other provisions hereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 25, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 251, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand, five hundred and eighty-three (30,583) and not more than thirty thousand, six hundred (30,600) according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official County Court Reporter of the County Court; defining and prescribing the duties of such Court Reporter, and fixing the compensation and tenure of office; prescribing the fund from which the salary is to be paid and prescribing the taxing of costs in civil suits in which answer is filed, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 25, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 23, Congratulating the cast of the production "The American Way of Life".

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 25, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 209, A bill to be entitled "An Act to validate, ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes heretofore made by county line independent school districts, partly situated in three (3) counties, the supervision of said school being located in counties having a population not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500), as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or

other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of Assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and further providing that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character; or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

In Memory of Judge E. J. Pickens

Mr. Boyer offered the following resolution:

H. S. R. No. 99, In memory of Judge E. J. Pickens.

Whereas, In the interim since the last Session of the Texas Legislature, the Creator of the Universe and the greatest of all Law Givers, God in His infinite wisdom took from our earthly realm all that was mortal of Judge E. J. Pickens, of Canadian, Texas; and

Whereas, Judge Pickens was, at the time of his passing, District Judge of the 84th Judicial District of Texas and had served in such capacity for many years in a manner which caused much respect for the judicial system of Texas; that prior to serving as District Judge of the 84th Judicial District, Judge Pickens was an outstanding lawyer and had served as District Attorney for several years prior and after the World War, at which time he resigned his position as District Attorney and volunteered his services in the great war; and

Whereas, Throughout his entire public career he was recognized as one of the State's most able jurists and certainly worthy of the high regard of his fellowman and his life was such that his greatest interest was in taking part in all matters for the public good, help and friendship for his fellowman, justice for the weak and oppressed and lived life so humbly, but above all he was a good family man who loved his home and when the duties of public life would permit, Judge Pickens loved to be at the fireside of his home in close association with those dearest to him; and

Whereas, The people of the 84th Judicial District, as well as the people of the entire Panhandle and State of Texas, have lost a great man and true friend; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Members express their sincere and most profound sorrow at the passing of Judge Pickens and that a copy of this resolution be spread on the memorial pages of the House Journal of this day in memory of the deceased and that a copy be sent to each member of the family.

BOYER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer Harde-man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Harp, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.